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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,631	10/29/2003	Vasilios Vasiadis	VASIADIS-I	7333

25889 7590 04/27/2007  
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EXAMINER
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BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/697,631

Applicant(s)

VASIADIS, VASILIOS

Examiner

Michael Butler

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10292003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election of invention I with traverse of the restriction requirement is acknowledged and made final.
2. Claims 8-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention; there being no allowable generic or linking claim.
3. The applicant argues the restriction requirement ought be withdrawn because the examiner will search common areas. However, searching for the best art in the follower entails searching where follower discharge mechanisms are used rather than rather than rotary discharge assistants.

No common prior art anticipating or obviating the group I and II claims was noticed in the search of the Group II claims, further evidencing distinction between groups I and II.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 26, 45, 55, 284a, 284b, 284c. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 74, 10a, 215, 239, 400. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-7 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett, Jr. 4047635 which discloses all the claimed elements including:

Art Unit: 3653

(Re: cl 1,20,21) A device for distributing items in a precise manner comprising: a) a base; b) at least one container for holding the items and which is coupled to said base; c) at least one distribution channel disposed on said base and in communication with said container (c6 L 12-67)

d) at least one spring coupled to said base and adjacent to said at least one distribution channel (41)

e) at least one push pin disposed substantially in said base in a slidable manner, wherein said at least one push pin is used to selectively slide against said at least one spring to drive said at least one spring open, away from said at least one distribution channel to allow an item to selectively enter said at least one distribution channel, or selectively slide along said at least one distribution channel, or selectively leave said at least one distribution channel (c6 L 12-67)

(Re: cl 2) wherein said base comprises a stand, a stationary section coupled to said stand, and a rotatable section, wherein said rotatable section is coupled to said stationary section and rotatable around a central axis, and wherein said device further comprises a motor which drives said rotatable section around said central axis (c6 L 12-67)

(Re: cl 3, 20) (2) further comprising at least one cam disposed in said base, and at least one receiving system coupled to said base, wherein said at least one cam drives against said at least one push pin to open said at least one spring away from said at least one distribution channel so that the item can selectively enter said at least one distribution channel and selectively leave said at least one distribution channel and then enter said at least one receiving system (C8 L 23-50)

(Re: cl 4)(3) wherein said stationary section is a base plate coupled to said stand and said rotatable section is a wheel coupled to said base plate wherein said wheel is rotatable on said base plate (c6 L 12-67)

(Re: cl 5) (4) further comprising a motor coupled to said stand, wherein said motor is used to rotate said wheel around (c6 L 12-67)

(Re: cl 6) (5) wherein said base further comprises a plurality of tracks wherein said tracks are disposed below said wheel (c15 L 22-43)

(Re: cl 7) (3), wherein said at least one cam is a plurality of cams comprising at least one outer release cam and at least one inner cam and said at least one push pin is a plurality of push pins comprising at least one outer release push pin in selective communication with said at least one inner cam and at least one inner push pin in selective communication with said at least one inner cam, wherein said at least one outer release cam drives said at least one outer release push pin up to raise an outer region of said at least one spring while said at least one inner cam drives said at least one inner push pin up to raise an inner region of said at least one spring to allow an item to enter said at least one distribution channel (c15 L 65-c16 L 22).

8. Claim(s) 1-3 and 18-21 is/are rejected under 35 U.S.C. 102(b) as being anticipated by

Spaulding et al. 5337919 which discloses all the claimed elements including:

Art Unit: 3653

(Re: cl 1,20,21) A device for distributing items in a precise manner comprising: a base, at least one container for holding the items and which is coupled to said base, at least one distribution channel disposed on said base and in communication with said container, at least one spring coupled to said base and adjacent to said at least one distribution channel, at least one push pin disposed substantially in said base in a slidable manner, wherein said at least one push pin is used to selectively slide against said at least one spring to drive said at least one spring open, away from said at least one distribution channel to allow an item to selectively enter said at least one distribution channel, or selectively slide along said at least one distribution channel, or selectively leave said at least one distribution channel (c14 l 1-40; c 10 L 30-42; C8 l 20-62; C14 l 17-25)

(Re: cl 2) wherein said base comprises a stand, a stationary section coupled to said stand, and a rotatable section, wherein said rotatable section is coupled to said stationary section and rotatable around a central axis, and wherein said device further comprises a motor which drives said rotatable section around said central axis (c 10 L 30-42)

(Re: cl 3,20) (2) further comprising at least one cam disposed in said base, and at least one receiving system coupled to said base, wherein said at least one cam drives against said at least one push pin to open said at least one spring away from said at least one distribution channel so that the item can selectively enter said at least one distribution channel and selectively leave said at least one distribution channel and then enter said at least one receiving system (c14 L 1-16)

(Re: cl 18)(3) further comprising at least one computer in communication with said at least one cam for selectively activating said at least one cam to open said at least one spring to selectively release at least one item from said at least one distribution channel (c8 L 20-62 with c14 L 17-25)

(Re: cl 19)(18) further comprising at least one sensor in communication with said at least one computer, and wherein said at least one receiving system includes a reject item receiving system and a good item receiving system wherein said sensor reviews each of said at least one item in said at least one distribution channel to determine whether to release said at least one item in said reject item receiving system or said good item receiving system (c8 L 20-62).

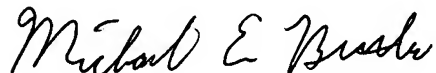
### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Michael E. Butler". The signature is written in a cursive, flowing style.

Michael E. Butler  
Examiner